

Exhibit D

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**JUDGE KENDALL
MAGISTRATE JUDGE NOLAN**

Exhibit 21

TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP)

UNITED STATES PATENT AND TRADEMARK OFFICE

Fifth Edition, September 2007

Foreword to the Fifth Edition

The Trademark Manual of Examining Procedure (TMEP) may be downloaded free of charge from the United States Patent and Trademark Office (USPTO) website at www.uspto.gov.

The Manual is published to provide trademark examining attorneys in the USPTO, trademark applicants, and attorneys and representatives for trademark applicants, with a reference work on the practices and procedures relative to prosecution of applications to register marks in the USPTO. The Manual contains guidelines for Examining Attorneys and materials in the nature of information and interpretation, and outlines the procedures which Examining Attorneys are required or authorized to follow in the examination of trademark applications.

Trademark Examining Attorneys will be governed by the applicable statutes, the Trademark Rules of Practice, decisions, and Orders and Notices issued by the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Commissioners, or Deputy Commissioners. Policies stated in this revision supersede any previous policies stated in prior editions, examination guides, or any other statement of Office policy, to the extent that there is any conflict.

Suggestions for improving the form and content of the Manual are always welcome. They should be addressed to:

Commissioner for Trademarks
Attention: Editor, Trademark Manual of Examining Procedure
P.O. Box 1451
Alexandria, Virginia 22313-1451

Mary E. Hannon
Editor

Lynne G. Beresford
Commissioner for Trademarks

SUBSTANTIVE EXAMINATION OF APPLICATIONS**1206.03 Consent of Individual or President's Widow Required****1206.03(a) Consent Must Be Written Consent to Registration**

When a name, portrait or signature in a mark identifies a particular living individual, or a deceased president of the United States during the life of his widow, the mark can be registered only if the written consent of the individual, or of the president's widow. The consent must be a written consent to the registration of the identifying matter as a trademark.

Consent to use of a mark does not constitute consent to register. *Krause v. Krause Publications, Inc.*, 76 USPQ2d 1904 (TTAB 2005); *Reed v. Bakers Engineering & Equipment Co.*, 100 USPQ 196, 199 (PTO 1954); *Garden v. Parfumerie Rigaud, Inc.*, 34 USPQ 30, 31 (Comm'r Pats. 1937) (granting petition to cancel registrations of marks that named and portrayed the petitioner, Mary Garden, who, although she had consented to the use of her name and portrait in connection with a particular perfume, had not given written consent to register the marks for perfumes and other cosmetic items. "Permission to use one's name and portrait in connection with a specified item of merchandise falls far short of consent to register one's name and portrait as a trade mark for such merchandise generally.") Consent to *register* a mark that makes no reference to consent to *use* is acceptable; the Office has no authority to regulate use of a mark.

Written consents for minors may be given by their guardians.

1206.03(b) Implicit Consent

When a particular individual identified by matter in a mark is also the person who signed the application, then his or her consent to registration will be presumed. *Alford Mfg. Co. v. Alfred Electronics*, 137 USPQ 250 (TTAB 1963), *aff'd*, 333 F.2d 912, 142 USPQ 168 (C.C.P.A. 1964) ("The written consent to the registration of the mark 'ALFORD' by Andrew Alford, the individual, is manifested by the fact that said person executed the application...."); *Ex parte Dallieux*, 83 USPQ 262, 263 (Comm'r Pats. 1949) ("By signing the application, the applicant here obviously consents....").

The mere incorporation of a business and consent to the business's use of the mark does not constitute implied consent to the *registration* of the mark. *Krause v. Krause Publications, Inc.*, 76 USPQ2d 1904 (TTAB 2005) (Cancellation petitioner did not give implied consent to register when he incorporated the business, sold his stock in the business and pledged his assets to finance expansion and acquisitions, and acquiesced in the corporation's use of the mark for 50 years, where there was no evidence that petitioner expressly stated that the mark was the property of the corporation and petitioner did not agree to refrain from use of the name in any subsequent business); *In re New John Nissen Mannequins*, 227 USPQ 569 (TTAB 1985) (consent to register not implied from appearance of the name

TRADEMARK MANUAL OF EXAMINING PROCEDURE

“John Nissen” in a deed of incorporation of applicant’s predecessor, nor from existence of foreign registrations incorporating the name). *Compare, In re D.B. Kaplan Delicatessen*, 225 USPQ 342, 344 (TTAB 1985) (consent to the use and registration of the mark D. B. KAPLAN’S DELICATESSEN, for restaurant services, found to be implicit in the terms of a “buy-out” agreement that relinquished all property rights in the name and forbade its use by the named party in any subsequent business).

An applicant does not have to submit a new consent if a consent to register is already part of the record in the file of a valid registration for a mark comprised in whole or in part of the same name, portrait or signature for the same goods or services. In this situation, the applicant only has to claim ownership of that existing registration. If an applicant has submitted a consent to register in an application that has not matured to registration, a new consent is not required for pertinent co-pending applications, but the applicant must submit a copy of the consent for each pending application. *In re McKee Baking Co.*, 218 USPQ 287 (TTAB 1983) (applicant’s claim of ownership of a prior registration that includes a consent to register in the record held sufficient for purposes of complying with the consent requirement of the Act); 37 C.F.R. §2.193(a).

See TMEP §813 regarding a statement of consent of a living individual to the registration of his or her name or likeness.

1207 Refusal on Basis of Likelihood of Confusion, Mistake or Deception

Extract from 15 U.S.C. §1052. No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it ... (d) Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive....

Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), is the statutory basis for a refusal to register due to likelihood of confusion with another mark. Section 2(d) applies to both the Principal and the Supplemental Register.

1207.01 Likelihood of Confusion

In the *ex parte* examination of a trademark application, a refusal under §2(d) is normally based on the examining attorney’s conclusion that the applicant’s mark, as used on or in connection with the specified goods or services, so resembles a *registered* mark as to be likely to cause confusion. (See TMEP

Exhibit 22



APPLICATION FOR REGISTRATION OF TRADEMARK ON
PRINCIPAL REGISTER ESTABLISHED BY THE ACT OF JULY 5, 1946

Trademark: MIYANO and design

Int. Cl. No.: 7

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

F4^(os)
IL
FS_{IL}

/Miyano Machinery USA Inc./
/940 North Central Avenue
Wood Dale, Illinois 60191/

Print

The above-identified applicant is an Illinois corporation and has adopted and is using the trademark shown in the accompanying drawing for

F3_{oot}

/Machines and machine tools - namely, turning centers, lathes, vertical machining centers and all parts therefor /

7/23/85

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on October 1, 1985; was first used in interstate commerce on October 1, 1985; and is now in use in such commerce.

The mark is used by applying it to product and cartons containing the product and five (5) specimens showing the mark as actually used are presented herewith.

~~F15~~

"MIYANO" is a Japanese family name and has no particular English translation.

F9

Print

The applicant is the owner of registration numbers:
1,217,316; 1,217,317 and 1,473,925.

F6_{IL}

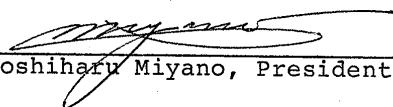
Applicant hereby appoints Masaru Funai, Helmut Eifert, Mary W. Shellenberg, Joseph S. Parisi and Nancy E. Sasamoto, members of the Bar of the State of Illinois practicing under the firm name of /Masuda, Funai, Eifert & Mitchell, Ltd., 134 North LaSalle Street, Suite 1700, Chicago, Illinois 60602/ either individually or collectively, its attorneys with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

Nancy E. Sasamoto, whose postal address is Suite 1700, 134 North LaSalle Street, Chicago, Illinois 60602, is hereby designated applicant's representative upon whom notices or processes in proceedings affecting the mark may be served.

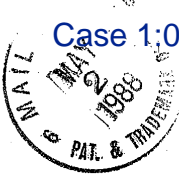
Toshiharu Miyano states that he is the President of applicant corporation and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

MIYANO MACHINERY USA, INC.

BY:


Toshiharu Miyano, President

DATED: April 7, 1988, 1988



725783

Miyano Machinery USA, Inc.
940 North Central Avenue
Wood Dale, Illinois 60191

INTEL	7
PRIOR U.S. CL.	23

5709

First Use: October 1, 1985

First Use in Commerce: October 1, 1985

Goods: Machines and machine tools - namely, turning centers,
lathes, vertical machining centers and all parts,
therefor

Attorneys: Masuda, Funai, Eifert & Mitchell, Ltd.
134 North La Salle Street, Suite 1700
Chicago, Illinois 60602

Miyano

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1527309

"REGISTERED"

MAR 07 1989

PAT. & T.M. OFFICE

PUBLISHED
DEC 13 1988

255 Exhibit 22

17-19



Exhibit 23



TM

MASUDA, FUNAI, EIFERT & MITCHELL, LTD.

ATTORNEYS-AT-LAW
134 NORTH LA SALLE STREET

CHICAGO, ILLINOIS 60602
AUG 15 11 30 AM '88

TELEPHONE (312) 977-9500
TELECOPIER (312) 558-1155
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MASARU FUNAI
HELMUT EIFERT
GERALD L. MOREL
MARY W. SHELLENBERG
JERROLD E. FINK
JOSEPH S. PARISI
COLIN HARA
KEITH WALTER GROEBE
THOMAS A. KIEPURA
GARY D. SANTELLA
BRYAN Y. FUNAI
NANCY E. SASAMOTO
STEPHEN M. PROCTOR
DAYNE KONO
TARA GILL
EDWARD J. UNDERHILL
CHERYL F. GERTLER
ELDON H. KAKUDA
PAULA K. DAVIS

THOMAS MASUDA
(1905-1988)

#2
SUBURBAN OFFICE
TWO CONTINENTAL TOWERS
1701 GOLF ROAD SUITE 403
ROLLING MEADOWS, IL 60008
TELEPHONE (312) 977-9500
TELECOPIER (312) 952-8825

August 8, 1988

The Commissioner of Patents and Trademarks
Washington, D.C. 20231
Box 5

Attention: Law Office Eight,
Trademark Attorney Jerard Rogers

Re: 73/725783 ✓
Mark: "MIYANO" (STYLIZED) ✓
Applicant: Miyano Machinery USA Inc. ✓
Mailing Date of Office Action: 07/01/88

Dear Mr. Rogers:

In response to your Office Action Number One, dated July 1, 1988 (a copy of which is attached), I am enclosing the executed declaration of Toshiharu Miyano, President of the applicant company. I understand that this executed declaration will be inserted in the file.

With the inclusion of the attached declaration, it is believed that this application is in condition for publication. Favorable action is therefore requested. Please feel free to contact me if you have any questions or require further information.

Very truly yours,

MASUDA, FUNAI, EIFERT & MITCHELL, LTD.

Nancy E. Sasamoto ✓
Nancy E. Sasamoto

NES:df 3508
Enclosure

cc: Miyano Machinery USA Inc.

Exhibit 23

Toshiharu Miyano

(Name of Officer of Corporation)

being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that the undersigned is

President


(Official Title)

of Applicant corporation and is authorized to execute this instrument on behalf of said corporation; he/she believes said corporation to be the owner of the mark sought to be registered; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; the facts set forth in this application are true; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Miyano Machinery USA Inc.

(Name of Corporation)

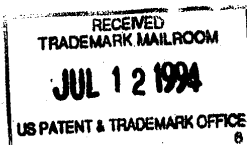
By

 President
(Signature of Officer of Corporation, and
Official Title of Officer)

August 3, 1988

(Date)

Exhibit 24



200.-374 *GM*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POST REGISTRATION SECTION

International Class No.: 7

Owner: Miyano Machinery USA Inc.
Trademark: Miyano and Design
Registration No.: 1,527,809
Registration Date: March 7, 1989

COMBINED DECLARATION UNDER SECTIONS 8 AND 15

TOSHIHARU (TOM) MIYANO declares that he is the CHAIRMAN
OF THE BOARD of Miyano Machinery USA Inc. an Illinois
corporation, having its principal place of business at 940 North
Central Avenue, Wood Dale, Illinois 60191, and is authorized to
execute this Declaration on behalf of said corporation; that Miyano
Machinery USA Inc. owns the above-identified registration issued
on March 7, 1989, as shown by records in the Patent and Trademark
Office; that the mark shown herein has been in continuous use in
interstate commerce for five consecutive years from the date of the
registration to the present on all of the goods specified in the
Certificate of Registration:

Machines and machine tools - namely, turning centers, lathes,
vertical machining centers and all parts therefor

that such mark is still in use in commerce as evidenced by the
specimens included herewith showing the mark as currently used on
the goods and on point of purchase displays; and there has been no
final decision adverse to the Registrant's claim of ownership of
such mark for such goods, or to the Registrant's right to register
the same or to keep the same on the Principal Register, and that
there are no proceedings involving said rights pending and not

disposed of either in the Patent and Trademark Office or in the courts.

I declare further that all statements made herein are true and that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document and the registration to which it relates.

Registrant hereby appoints Amy L. Kurland, Nancy E. Sasamoto and Joseph S. Parisi, all members of the Bar of the State of Illinois and practicing under the firm name of Masuda, Funai, Eifert & Mitchell, Ltd., One East Wacker Drive, Suite 3200, Chicago, Illinois 60601-1802, either individually or collectively, attorneys for said registrant with full power of substitution and revocation to file this declaration and to transact all business in the Patent and Trademark Office in connection therewith.

MIYANO MACHINERY USA INC.

BY: 

TITLE: CHAIRMAN OF THE BOARD

Print or Type Name and Title:

TOSHIHARU (TOM) MIYANO, CHAIRMAN OF THE BOARD

Dated: JUNE 21, 1994

Exhibit 28



725705

MASUDA, FUNAI, EIFERT & MITCHELL, LTD.

ATTORNEYS AT LAW
134 NORTH LA SALLE STREET
17TH FLOOR
CHICAGO, ILLINOIS 60602

TELEPHONE (312) 977-9500
TELECOPIER (312) 558-1155
TELECOPIER (312) 558-1058

THOMAS MASUDA
(1905-1988)

SUBURBAN OFFICE
TWO CONTINENTAL TOWERS
1701 GOLF ROAD SUITE 403
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KEITH WALTER GROEBE
THOMAS A. KIEPURA
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BRYAN Y. FUNAI
NANCY E. SASAMOTO
STEPHEN M. PROCTOR
DAYNE KONO
TARA GILL
EDWARD J. UNDERHILL
CHERYL F. GERTLER
ELDON H. KAKUDA
PAULA K. DAVIS

April 27, 1988

Commissioner of Patents and Trademarks
Department of Commerce
Washington, D.C. 20231

Re: Application for Registration
Trademark: "MIYANO"
Int. Class No. 7
Applicant: Miyano Machinery USA Inc.

Dear Sirs:

Please find enclosed herewith the following:

Application for Registration for Trademark, "MIYANO", in Int. Class No. 7, together with five specimens thereof, and our check for the registration fee in the amount of \$200.00.

There is also enclosed a self-addressed stamped postcard to be used as our receipt of the above. We would appreciate your processing this application and look forward to a favorable response in this matter.

Very truly yours,

MASUDA, FUNAI, EIFERT & MITCHELL, LTD.

Nancy E. Sasamoto

NES:lar:2704
Enclosures

Exhibit 28



APPLICATION FOR REGISTRATION OF TRADEMARK ON
PRINCIPAL REGISTER ESTABLISHED BY THE ACT OF JULY 5, 1946

Trademark: MIYANO

Int. Cl. No.: 7

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

F403
IL
F5
IL
P3
007
Miyano Machinery USA Inc.
940 North Central Avenue
Wood Dale, Illinois 60191

The above-identified applicant is an Illinois corporation and has adopted and is using the trademark shown in the accompanying drawing for

/Machines and machine tools - namely, turning centers, lathes, vertical machining centers and all parts therefor/ 7/23 2008

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on January 9, 1975; was first used in interstate commerce on January 9, 1975; and is now in use in such commerce.

The mark is used by applying it to product and cartons containing the product and five (5) specimens showing the mark as actually used are presented herewith.

"MIYANO" is a Japanese family name and has no particular English translation.

F-9
The applicant is the owner of registration numbers: Print
1,217,316; 1,217,317 and 1,473,925.

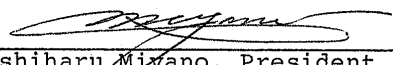
P6
IL
Applicant hereby appoints Masaru Funai, Helmut Eifert, Mary W. Shellenberg, Joseph S. Parisi and Nancy E. Sasamoto, members of the Bar of the State of Illinois practicing under the firm name of Masuda, Funai, Eifert & Mitchell, Ltd., 134 North LaSalle Street, Suite 1700, Chicago, Illinois 60602, either individually or collectively, its attorneys with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

Nancy E. Sasamoto, whose postal address is Suite 1700, 134 North LaSalle Street, Chicago, Illinois 60602, is hereby designated applicant's representative upon whom notices or processes in proceedings affecting the mark may be served.

Toshiharu Miyano states that he is the President of applicant corporation and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

MIYANO MACHINERY USA, INC.

BY:

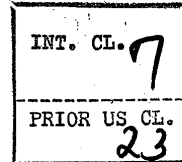

Toshiharu Miyano, President

DATED: April 7, 1988



725705

Miyano Machinery USA, Inc.
North Central Avenue
Wood Dale, Illinois 60191



First Use: January 9, 1975

First Use in Commerce: January 9, 1975

Goods: Machines and machine tools - namely, turning centers,
lathes, vertical machining centers and all parts,
therefor

Attorneys: Masuda, Funai, Eifert & Mitchell, Ltd.
134 North La Salle Street, Suite 1700
Chicago, Illinois 60602

MIYANO

1529343
"REGISTERED"

MAR 14 1969

PAT. & T.M. OFFICE

RECEIVED
DEC 20 1988

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Exhibit 28



Exhibit 29

650153



APPLICATION FOR REGISTRATION OF TRADEMARK ON
PRINCIPAL REGISTER ESTABLISHED BY THE ACT OF JULY 5, 1946

Trademark: MIYANO THE WORLD
LEADER IN PRECISION

Int. Cl. No.: 7

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

F4(3) / Miyano Machinery USA Inc. /
II 940 North Central Avenue /
F5(II) Wood Dale, Illinois 60191 /

The above-identified applicant is an Illinois corporation and has adopted and is using the trademark shown in the accompanying drawing for

F3(007) / Machines and machine tools - namely, turning
per a centers, lathes, vertical machining centers
and all parts, attachments and accessories
therefor.

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

1/24/2
The trademark was first used on October 1, 1985; was first used in interstate commerce on October 1, 1985; and is now in use in such commerce.

The mark is used by applying it to product and cartons containing the product and five (5) specimens showing the mark as actually used are presented herewith.

"MIYANO" is a Japanese family name and has no particular English translation.

F6 (II) Applicant hereby appoints Masaru Funai, Helmut Eifert, Mary W. Shellenberg, Joseph S. Parisi and Nancy E. Sasamoto, members of the Bar of the State of Illinois practicing under the firm name of Masuda, Funai, Eifert & Mitchell, Ltd., 134 North LaSalle Street, Suite 1700, Chicago, Illinois 60602, either individually or collectively, its attorneys with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

Nancy E. Sasamoto, whose postal address is Suite 1700, 134 North LaSalle Street, Chicago, Illinois 60602, is hereby designated applicant's representative upon whom notices or processes in proceedings affecting the mark may be served.

Exhibit 29

Toshiharu Miyano states that he is the President of applicant corporation and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

MIYANO MACHINERY USA INC.

BY: 

Toshiharu Miyano, President

DATED: March 11, 1987

PRIOR U.S. CL. 23

650153
650153

Miyano Machinery USA Inc.
940 North Central Avenue
Wood Dale, Illinois 60191

First Use: October 1, 1985

First Use in Commerce: October 1, 1985

Goods: Machines and machine tools - namely, turning centers, lathes, vertical machining centers and all parts, attachments and accessories therefor,

Attorneys: Masuda, Funai, Eifert & Mitchell, Ltd.
134 North La Salle Street, Suite 1700
Chicago, Illinois 60602

MIYANO THE WORLD LEADER IN PRECISION

3-19-87

5

1473925

REGISTERED

JAN 26 1988

PAT. & TRADE OFFICE

PUBLISHED

OCT 13 1987

Miyano

The World Leader in Precision

Miyano

The World Leader in Precision

Miyano

The World Leader in Precision

Miyano

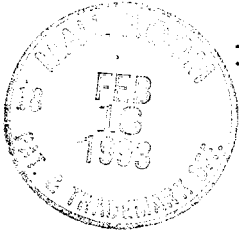
The World Leader in Precision

Miyano

The World Leader in Precision

Exhibit 30

#5



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POST REGISTRATION SECTION

International Class No.: 7

Owner: Miyano Machinery USA Inc.
Trademark: THE WORLD LEADER IN PRECISION
Registration No.: 1,473,925
Registration Date: January 26, 1988

COMBINED DECLARATION UNDER SECTIONS 8 AND 15

TOSHIHARU MIYANO declares that he is the
PRESIDENT of MIYANO MACHINERY USA INC., an
Illinois corporation, having its principal place of business at
940 North Central Avenue, Wood Dale, Illinois 60191, and is
authorized to execute this Declaration on behalf of said
corporation; that Miyano Machinery USA Inc. owns the above-
identified registration issued on January 26, 1988, as shown by
records in the Patent and Trademark Office; that the mark shown
herein has been in continuous use in interstate commerce for five
consecutive years from the date of the registration to the present
on all of the goods specified in the Certificate of Registration:

**MACHINES AND MACHINE TOOLS - NAMELY, TURNING CENTERS, LATHES,
VERTICAL MACHINING CENTERS AND ALL PARTS THEREFORE.**

that such mark is still in use in commerce as evidenced by the
specimens included herewith showing the mark as currently used on
the goods and on point of purchase displays; and there has been no
final decision adverse to the Registrant's claim of ownership of
such mark for such goods, or to the Registrant's right to register
the same or to keep the same on the Principal Register, and that

there are no proceedings involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

I declare further that all statements made herein are true and that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document and the registration to which it relates.

Registrant hereby appoints Rebecca B. Lederhouse, Nancy E. Sasamoto and Joseph S. Parisi, all members of the Bar of the State of Illinois and practicing under the firm name of Masuda, Funai, Eifert & Mitchell, Ltd., One East Wacker Drive, Suite 3200, Chicago, Illinois 60601-1802, either individually or collectively, attorneys for said registrant with full power of substitute and revocation to file this declaration and to transact all business in the Patent and Trademark Office in connection therewith.

MIYANO MACHINERY USA INC.

BY: 

TITLE:  PRESIDENT

Dated: Feb. 8, 1993

RBL:cmp
2260\trademark\00390001.RL8

Miyano

The World Leader in Precision

Miyano

The World Leader in Precision

Miyano

The World Leader in Precision

